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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,610	05/25/2000	Won-Kyu Suk	78-489 (P9415)	7244
28249	7590	04/04/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			LY, ANH VU H	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/578,610**Applicant(s) **SUK, WON-KYU**Examiner **Anh-Vu H Ly**Art Unit **2667**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4-8 is/are allowed.
6) ☒ Claim(s) 1 and 3 is/are rejected.
7) ☒ Claim(s) 2 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed October 15, 2004.

Claims 1-8 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ito (US Patent No. 6,408,039).

With respect to claim 1, Ito discloses in Fig. 1, a rake receiver including a plurality of searcher/finger units 11-16 (a plurality of fingers each for despreading a signal received in one path and extracting symbol data). Ito discloses in Fig. 2, an architecture of a searcher/finger unit for despreading a received signal and extracting symbol data. Further, as shown in Fig. 1, a

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symbol combiner 18 for combining finger symbols outputted by the searcher/finger units 11-16; wherein the finger symbols are compensated for errors which occur during transmissions by the phase equalizer 26 by adjusting the phase of the symbols using the calculated result of the phase calculator 24, as shown in Fig. 2, before being combined by the symbol combiner 18. Herein, the inverted symbol data have been adjusted and replaced and furthermore, as clearly disclosed by Ito, the symbol data has the correct sign before being combined by the symbol combiner (a symbol combiner for receiving the symbol data from the plurality of fingers, removing symbol data, whose sign is inverted due to fading, from the symbol data received from the plurality of fingers, and combining the remaining symbol data).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (US Patent No. 6,408,039).

With respect to claim 3, Ito discloses a radio communication apparatus having a rake receiver for searching and combining reception paths. Ito does not disclose the symbol data is a 2's complement of n bits. However, having a 2's complement of n bits, where n is an arbitrary number, is known in the digital communications in the process of executing and performing an arithmetic operation. It would have been obvious to one having ordinary skill in the art at the

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time the invention was made to include the feature of having 2's complement of n bits in Ito's system, since 2's complement is well known in the art in executing arithmetic operations.

Allowable Subject Matter

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 4-8 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest an effective path selector for outputting only symbol data with a sign corresponding to the majority sign among the symbol data received from the energy determiner; wherein only symbol data with an energy higher than a threshold is being applied to the effective path selector, as specified in the independent claims 4, 6, and 7.

The prior art does not teach or fairly suggest outputting symbol data with energy higher than the threshold to an effective path selector and setting symbol data with energy less than the threshold to 0s by the energy determiner; checking the signals of the symbol data received from the energy determiner by the effective path selector; and setting symbol data with a sign different from the majority sign to 0s and outputting symbol data with majority sign to a channel combiner by the effective path selector, as specified in the independent claim 8.

Response to Arguments

6. Applicant's arguments filed October 15, 2004 have been fully considered but they are not persuasive.

Applicant argues on page 5 that Ito discloses the symbol combiner combines finger symbols output by the searcher/finger units. Which is in direct contradiction of the position taken by the examiner. Examiner respectfully disagrees. Herein, the finger symbols output by the searcher/finger units are adjusted and compensated for errors before being combined. Other words, these symbol data are not corrupted nor inverted before combining by the symbol combiner. Therefore, Ito discloses the claimed invention.

Applicant further argues on pages 5 and 6 that claim 1 recites the symbol data having a sign different from the majority signs from among the symbol data transmitted from respective fingers are excluded from symbol combinations; that is, symbol data with a sign which has been inverted is set to "0" to achieve maximum symbol energy. Examiner respectfully disagrees. Claim 1 does not recite such stated limitation.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000 8/31/08